

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
AT BOWLING GREEN

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In re:

Chapter 7  
Case No: 09-10371-SMB

MARC S. DREIER,

Debtor.  
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**AMENDED ORDER PURSUANT TO RULE 2004 OF THE FEDERAL RULES  
OF BANKRUPTCY PROCEDURE DIRECTING THE EXAMINATION  
OF AND PRODUCTION OF DOCUMENTS BY JOHN C. KIRKLAND, ESQ.**

Upon the amended application (the "Application") of Salvatore LaMonica, Esq., the Chapter 7 Trustee (the "Trustee") of the estate of Marc S. Dreier (the "Debtor"), through his counsel, LaMonica Herbst & Maniscalco, LLP ("LH&M"), seeking the entry of an Amended Order under Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Rules"), authorizing and directing the examination of John C. Kirkland, Esq. (the "Witness") and directing the production of documents, as more particularly set forth herein, and good and sufficient cause appearing; and no adverse interest being represented, it is hereby

**ORDERED**, that, under Rule 2004, the Application is approved **SMB 6/16/09 to the extent indicated** ; and, it is further

**ORDERED**, that the Trustee is authorized to issue and serve a Subpoena on the Witness in accordance with FRCP 45; and, it is further

**ORDERED**, that the examination shall to continue from day to day until it is completed; and, it is further

**ORDERED**, that the Witness be, and hereby is, directed to produce for examination and inspection at LaMonica Herbst & Maniscalco, LLP, 3305 Jerusalem Avenue, Ste 201, Wantagh, NY 11793 at least seven (7) business days prior to the scheduled examination, all documents in the

Witness' custody, possession or control concerning or relating to the following:

- a) The Witness' outstanding accounts receivable of all his clients;
- b) All contact information, including, name, address, email, phone and fax for each client on the Witness' accounts receivable list at the Firm;
- c) The Witness' time sheets for all time maintained for legal services rendered to clients of the Firm for the period January 1, 2008 to the cessation of the Firm's operations;
- d) The Witness' employment agreement with the Firm;
- e) Copies of any agreements entered into by and between the Witness and his clients concerning alternative payment plans for the clients' outstanding accounts receivable with the Firm; and
- f) An accounting of all payments made on the outstanding account receivables of the Witness' clients for the period September 1, 2008 to the present; and
- g) The Witness' bank statements showing deposits to any personal bank account the Witness maintains from January 1, 2008 to the present; and
- h) An accounting of all payments made directly to the Witness for legal services provided to any client for the period January 1, 2008 to the present.

Dated: New York, New York  
June 16, 2009

/s/ STUART M. BERNSTEIN  
Honorable Stuart M. Bernstein  
Chief United States Bankruptcy Judge